



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-L

November 10, 2015

VIA CERTIFIED MAIL # 7009 3410 0000 2600 4536
RETURN RECEIPT REQUESTED
EMAIL (lawbydave@gmail.com)

Dave Cook, Esq.
David A. Cook, P.C.
6 South Tejon Street, Suite 400
Colorado Springs, Colorado 80903

Re: Access to the Herbert Placer, Anglo Saxon, and Harrison Millsite

Dear Mr. Cook:

Thank you for taking the time on Monday, November 2, 2015, to come to the EPA's offices with your client, Todd Hennis, to meet and discuss the EPA's request for extension of the existing consent for access for activities related to the Gold King Mine release on various properties owned by Mr. Hennis, individually, and Mr. Hennis' corporations, San Juan Corp. and Salem Minerals, Inc. In those discussions, Mr. Hennis agreed to extend the present consent for access which covers the August 4, 2014 to December 31, 2015 period for all claims that make up the Gold King and Mogul Mine properties. We sincerely appreciate Mr. Hennis' cooperation in this regard. Attached is a listing of the Gold King and Mogul Mine properties and a consent for access extending the EPA's access to those properties until December 31, 2016.

Regarding the Herbert Placer, Anglo Saxon, and Harrison Millsite properties, Mr. Hennis declined to extend access beyond December 31, 2015 but stated that he is willing to allow the EPA access under a lease, specific terms to be negotiated, at a rate of \$10,000 per month. The EPA cannot agree to this proposal.

As you and Mr. Hennis are aware, under the current consent for access, the EPA, at substantial cost and effort, constructed an interim water treatment facility on the Herbert Placer. The water treatment facility is needed to treat the acid mine discharge from the Gold King Mine as an interim measure until the EPA can fully assess the cause, potential impacts, and how best to address the increased flow from the mine. As part of its response to the August 5, 2015 release, the EPA determined that the Gladstone area within the Harrison Millsite, Anglo Saxon claim, and Herbert Placer provided the optimal location for the interim water treatment facility. That location offered the best combination of accessibility (maintained County road through the winter), existing power infrastructure close at hand, existing site conditions that minimize construction time and costs (size of the properties and the properties were fairly flat), and site improvements that could be used as part of the mine water management systems.

The EPA has worked with Mr. Hennis in the past and hopes to be able to do so going forward. For example, the EPA will spend additional funds bringing electric power to the Herbert Placer and may

make other improvements to the properties. The EPA is willing to discuss arrangements with you to leave those improvements in place, if Mr. Hennis so chooses, once the EPA's use of the properties is completed. Also, the EPA is open to addressing restoration matters so that the properties will be left in a suitable condition for your use once the response actions are complete.

Because the interim treatment facilities located on these properties are necessary to continue to treat the increased acid mine drainage from the Gold King Mine, the EPA is requesting by this letter that Mr. Hennis reconsider his position and voluntarily, without fee, consent to the EPA access to these properties. Attached to this letter is a consent for access to the Herbert Placer, Anglo Saxon, and Harrison Millsite properties which will allow the EPA to continue its water treatment activities on those properties until December 31, 2016. **If the EPA does not hear from Mr. Hennis within 7 days of receipt of this letter, the EPA will consider that a denial of this request for access** and the EPA will seek to gain access using its legal authorities.

I am sending this directly to your client, Mr. Hennis, by certified mail, return receipt requested and by email because of the time critical nature of resolving access at these properties.

If you have question, please do not hesitate to give me a call at 303-312-6638.

Sincerely,



Richard Sisk, Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Todd Hennis, (via certified mail # 7009 3410 0000 2600 4529/return receipt requested and email mogul1882@yahoo.com) with enclosures
Steve Way, 8EPR-ER without enclosures
John Moscato, USDOJ with enclosures



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CONSENT FOR ACCESS TO PROPERTY

Name: Todd Hennis, individually, San Juan Corp., and Salem Minerals, Inc.

Location of Property: Claims associated with the Gold King Mine, the Mogul–Grand Mogul Mine, and Red and Bonita Mine included on the attached Exhibit A.

I hereby give my consent, through December 2016, to officers, employees, authorized representatives and contractors of the U.S. Environmental Protection Agency (EPA), U.S. Department of Interior - Bureau of Land Management (BLM), U.S. Department of Agriculture - Forest Service (FS), and the State of Colorado entering and having continued access to the above referenced property for the following purposes:

1. Conducting field inspections and investigations to evaluate the mine waste, adit discharges and related seepage, and the associated impacted lands;
2. Sampling and monitoring water, soil, and mine waste material from waste rock dumps, tailings impoundments, and mine workings or other areas as necessary to evaluate releases of hazardous substances;
3. Constructing, operating, and maintaining the mine water management system; and
4. Any other actions the EPA determines are necessary to address releases from the Gold King Mine, Mogul–Grand Mogul Mine, or Red and Bonita Mine.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), as amended, 42 U.S.C. §§ 9601 *et seq.*

Todd Hennis
San Juan Corp.
Salem Minerals, Inc.

Date

Phone Number

Exhibit A

Owner	Claim Name	Mineral Survey No.	Parcel No.	Current Deed	Associated Mine
HENNIS, TODD C.	BIG AMERICA	17472	47750170050007	R140962	MOGUL-GRAND MOGUL
HENNIS, TODD C.	BLACK CAT	17975	47750210050028	R143932	MOGUL-GRAND MOGUL
HENNIS, TODD C.	HOLY CROSS	17975	47750170050007	R140962	MOGUL-GRAND MOGUL
HENNIS, TODD C.	SAMPSON MILLSITE	1618 B	47750160050014	R144668	GOLD KING
HENNIS, TODD C.	SAMPSON NO. 2 MILLSITE	1619 B	47750160050014	R144668	GOLD KING
HENNIS, TODD C.	SUCCESS PLACER	1914	47750160050014	R144668	GOLD KING
SALEM MINERALS, INC.	THERESA MILLSITE	15968 B	47750090050081	R147489	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	A.P. HILL	1922	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	ALICE	17371	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	AMERICAN	14704	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	CALUMETE	1203	47750100050009	R139491, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	CAUCASUS	468	47750150050009	R139491, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	CROSS CUT AND NARROW GAUGE	16523	47750100050009	R139491, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	E. PLURIBUS	520	47750090050008	R139490, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	GOLD KING	5689	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING EXTENSION	19965	47750150050003	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING EXTENSION NO. 1	19965	47750150050003	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING EXTENSION NO. 3	19965	47750150050003	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING NO. 1	14707	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING NO. 2	11640	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	GOLD KING NO. 3	14709	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	GOVERNOR	17371	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	GRAND MOGUL	521	47750100050009	R139491, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	HOFFMAN	5782	47750160050019	R144657	RED AND BONITA
SAN JUAN CORPORATION	I.X.L.	1923	47750160050027	R144657	GOLD KING

Owner	Claim Name	Mineral Survey No.	Parcel No.	Current Deed	Associated Mine
SAN JUAN CORPORATION	LIBBIE BAUDER	14704	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	LIBBIE BAUDER EXTENSION	17371	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	M.E. HARRISON	469 (west half)	47750100050009	R139491	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	N.G.	466	47750100050013	R144509	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	PAUL	2387 A	47750160050007	R145731	GOLD KING
SAN JUAN CORPORATION	PORTLAND CONSOLIDATED	13330	47750160050019	R144657	GOLD KING
SAN JUAN CORPORATION	ROB THE RANTER	778	47750090050014	R144508	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	ROSS	491	47750100050013	R144509	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	SAMPSON	1618 A	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	SAMPSON NO. 2	1619 A	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	SIDE DISH	5475	47750090050014	R144508	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	SUNSHINE	14704	47750160050027	R144657	GOLD KING
SAN JUAN CORPORATION	THERESA	15968 A	47750090050008	R139490, R144776	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	WATERVILLE	14704	47750150050009	R144657	GOLD KING
SAN JUAN CORPORATION	WINCHESTER	467	47750100050013	R144509	MOGUL-GRAND MOGUL
SAN JUAN CORPORATION	YOUNG	16523	47750090050008	R139490, R144776	MOGUL-GRAND MOGUL



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Name: Todd Hennis

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2. Sampling and monitoring water, soil, and mine waste material from waste rock dumps, tailings impoundments, and mine workings or other areas as necessary to evaluate releases of hazardous substances;
3. Constructing, operating, and maintaining the mine water management system, including but not limited to pipelines, treatment/settling ponds and interim water treatment facility; and
4. Any other actions the EPA determines are necessary to address releases from the Gold King Mine.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), as amended, 42 U.S.C. §§ 9601 *et seq.*

Todd Hennis

Date

Phone Number